

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2470

Introduced by Assembly Member Bigelow

February 19, 2016

An act to ~~amend Section 13201 of~~ *add Section 71611.5 to the Water Code, relating to water quality: water.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2470, as amended, Bigelow. ~~Water quality: organization and membership of regional boards. Municipal water districts: water service: Indian tribes.~~

Existing law, the Municipal Water District Law of 1911, provides for the formation of municipal water districts and grants to those districts specified powers. Existing law permits a district to acquire, control, distribute, store, spread, sink, treat, purify, recycle, recapture, and salvage any water for the beneficial use of the district, its inhabitants, or the owners of rights to water in the district. Existing law authorizes a district to sell water under its control, without preference, to cities, other public corporations and agencies, and persons, within the district for use within the district. Existing law authorizes a district to sell or otherwise dispose of water above that required by consumers within the district to any persons, public corporations or agencies, or other consumers.

This bill, upon the request of an Indian tribe, would require a district to provide permanent or temporary service of water to Indian lands, as prescribed. This bill would exempt the provision of water pursuant to these provisions from the California Environmental Quality Act. By

imposing new duties on a municipal water district, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires the State Water Resources Control Board and the 9 California regional water quality control boards to prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). The state act requires regional boards to consist of 7 members appointed by the Governor, 6 of them on the basis of demonstrated interest or proven ability in the field of water quality and one as a public member not specifically associated with any enumerated qualification.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 71611.5 is added to the Water Code, to*
- 2 *read:*
- 3 *71611.5. (a) Notwithstanding any other law, upon the request*
- 4 *of an Indian tribe, a district shall provide permanent or temporary*
- 5 *service of water at the same terms available to the current*
- 6 *customers of the district to an Indian tribe's lands that are not*
- 7 *within a municipal water district but are contiguous with at least*
- 8 *two municipal water districts and lie within the special study area*
- 9 *of at least one municipal water district, if at least 75 percent of*
- 10 *the Indian tribe's total Indian lands are currently within the*
- 11 *boundaries of one or more municipal water districts.*
- 12 *(b) Division 13 (commencing with Section 21000) of the Public*
- 13 *Resources Code does not apply to the provision of water service*
- 14 *pursuant to this section.*
- 15 *SEC. 2. No reimbursement is required by this act pursuant to*
- 16 *Section 6 of Article XIII B of the California Constitution because*
- 17 *a local agency or school district has the authority to levy service*

1 *charges, fees, or assessments sufficient to pay for the program or*
2 *level of service mandated by this act, within the meaning of Section*
3 *17556 of the Government Code.*

4 SECTION 1. ~~Section 13201 of the Water Code is amended to~~
5 ~~read:~~

6 ~~13201. (a) There is a regional board for each of the regions~~
7 ~~described in Section 13200. Each board shall consist of seven~~
8 ~~members appointed by the Governor, each of whom shall represent,~~
9 ~~and act on behalf of, all the people and shall reside or have a~~
10 ~~principal place of business within the region.~~

11 ~~(b) Except as specified in subdivision (c), each member shall~~
12 ~~be appointed on the basis of his or her demonstrated interest or~~
13 ~~proven ability in the field of water quality, including water~~
14 ~~pollution control, water resource management, water use, or water~~
15 ~~protection. The Governor shall consider appointments from the~~
16 ~~public and nonpublic sectors. In regard to appointments from the~~
17 ~~nonpublic sector, the Governor shall consider including members~~
18 ~~from key economic sectors in a given region, such as agriculture,~~
19 ~~industry, commercial activities, forestry, and fisheries.~~

20 ~~(c) At least one member shall be appointed as a public member~~
21 ~~who is not required to meet the criteria established pursuant to~~
22 ~~subdivision (b).~~

23 ~~(d) All persons appointed to a regional board shall be subject~~
24 ~~to Senate confirmation, but shall not be required to appear before~~
25 ~~any committee of the Senate for purposes of the confirmation~~
26 ~~unless specifically requested to appear by the Senate Committee~~
27 ~~on Rules.~~

28 ~~(e) Insofar as practicable, appointments shall be made in a~~
29 ~~manner as to result in representation on the board from all parts~~
30 ~~of the region.~~

31 ~~(f) Insofar as practicable, appointments shall be made in a~~
32 ~~manner as to result in representation on the board from diverse~~
33 ~~experiential backgrounds.~~

34 ~~(g) Each member shall be appointed on the basis of his or her~~
35 ~~ability to attend substantially all meetings of the board and to~~
36 ~~actively discharge all duties and responsibilities of a member of~~
37 ~~the board.~~

38 ~~(h) The reduction in the number of members of each regional~~
39 ~~board required by Chapter 39 of the Statutes of 2012 shall be~~
40 ~~achieved according to the ordinary expiration of the terms of~~

1 incumbents and other vacancies. Notwithstanding Section 13202,
2 the Governor shall not fill a vacancy on a regional board until the
3 number of members serving on that regional board falls below
4 seven members. If the numbers of members serving on the regional
5 board falls below seven members, the Governor shall appoint or
6 reappoint individuals pursuant to this section.

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